

U.S.A. vs

Javier Pena - Gomez

No.

08mj 2442

The Court finds excludable delay, under the section indicated by check ( ☒ ),  
commenced on 8/28/08 and ended on 9/11/08; ( )  
and ended on \_\_\_\_\_ . ( )

- 3161(h)  
\_\_\_ (1) (A) Exam or hrg for mental or physical incapacity  
\_\_\_ (1) (B) NARA examination (28:2902)  
\_\_\_ (1) (D) State or Federal trials or other charges pending  
\_\_\_ (1) (E) Interlocutory appeals  
\_\_\_ (1) (F) Pretrial motions (from flg to hrg or other prompt dispo)  
\_\_\_ (1) (G) Transfers from other district (per FRCrP 20, 21 & 40)  
\_\_\_ (1) (J) Proceedings under advisement not to exceed thirty days  
\_\_\_ Misc proc: Parole or prob rev, deportation, extradition  
\_\_\_ (1) (H) Transportation from another district or to/from examination  
or hospitalization in ten days or less  
\_\_\_ (1) (I) Consideration by Court of proposed plea agreement  
\_\_\_ (2) Prosecution deferred by mutual agreement  
\_\_\_ (3) (A) (B) Unavailability of defendant or essential witness  
\_\_\_ (4) Period of mental or physical incompetence of defendant to  
stand trial  
\_\_\_ (5) Period of NARA commitment or treatment  
\_\_\_ (6) Superseding indictment and/or new charges  
\_\_\_ (7) Defendant awaiting trial of co-defendant when no severance  
has been granted  
\_\_\_ (8) (A) (B) Continuances granted per (h) (8) -use "T" alone if more than  
one of the reasons below are given in support of continuance  
\_\_\_ (8) (B) (I) 1) Failure to grant a continuance in the proceeding  
would result in a miscarriage of justice and  
the ends of justice outweigh the best interest  
of the public and the defendant in a speedy trial.  
(Continuance - miscarriage of justice)  
2) Failure to grant a continuance of the trial would result in  
a miscarriage of justice as the defendant has tendered a  
guilty plea to a magistrate judge and is awaiting a  
determination as to whether the plea will be accepted.  
(Continuance - tendered a guilty plea)  
\_\_\_ (8) (B) (ii) 2) Case unusual or complex  
\_\_\_ (8) (B) (iii) 3) Indictment following arrest cannot be filed in thirty (30) days  
\_\_\_ (8) (B) (iv) 4) Continuance granted in order to obtain or substitute counsel,  
or give reasonable time to prepare  
(Continuance re counsel)

\_\_\_ 3161(I) Time up to withdrawal of guilty plea

\_\_\_ 3161(h) Grand jury indictment time extended thirty (30) more days

Date

8/28/08

Judge's Initials

A  
B  
C  
D  
E  
F  
G  
H  
6  
7  
I  
M  
N  
O  
P  
R  
T  
T1  
T2  
T3  
T4  
U  
W